

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
) NO. 3:25-cv-00191
v.)
) JUDGE CRENSHAW
BRIAN KELSEY)

**MOTION FOR ADDITIONAL TIME TO RESPOND TO KELSEY'S
PETITION UNDER 28 U.S.C. § 2255**

The United States of America, by and through its undersigned attorneys, files this request for a continuance of 30 days to respond to Kelsey's Motion to Vacate Conviction Pursuant to 28 U.S.C. § 2255. In support of such motion, the United States submits the following:

1. On January 23, 2025, Petitioner Brian Kelsey filed a *Motion to Vacate Conviction Pursuant to 28 U.S.C. § 2255* (Case No. 3:21-cr-00264, Doc. No. 200) and an accompanying *Memorandum of Law* (Case No. 3:21-cr-00264, Doc. No. 201). He also filed a Motion for Leave to File Excess Pages, explaining that his memorandum "brings several substantial reasons for vacating Mr. Kelsey's conviction, each of which require a complete explanation and legal support." (Case No. 3:21-cr-00264, Doc. No. 199.) On February 20, 2025, all the documents related to the *Motion to Vacate Conviction Pursuant to 28 U.S.C. § 2255* were docketed under this civil case number. (See Doc. No. 1 through 6).

2. Together, this briefing amounts to nearly 75 pages of legal argument. The accompanying exhibits number 385 pages, plus two audio recordings, one of which is over an hour and a half long.

3. The United States calculates that its response to the Petition is currently due on February 24, 2025.¹ The United States has made substantial headway in drafting a response, but due to the large volume of materials submitted and the number of discrete fact-specific arguments, the United States requests additional time to file a response. The United States requests an additional thirty (30) days to file its response.

WHEREFORE, the United States respectfully requests the Court continue the date on which the United States must file a response to March 22, 2025.

Respectfully submitted,

ROBERT E. McGUIRE
Acting United States Attorney
Middle District of Tennessee

By:

/s/ Kathryn W. Booth
KATHRYN W. BOOTH
Assistant U.S. Attorney
719 Church Street, Suite 3300
Nashville, TN 37203
(615) 736-5151
Email: kathryn.booth@usdoj.gov

REAGAN FONDREN
Attorney for the United States, Acting under
Authority
Conferred by 28 U.S.C. § 515
Western District of Tennessee

By: /s/ David Pritchard
DAVID PRITCHARD
Assistant U.S. Attorney
Western District of Tennessee
167 North Main Street, Suite 800
Memphis, TN 38103
(901) 544-4231
Email: david.pritchard2@usdoj.gov

¹ Calculating the Response date from the date the Petition was filed in the criminal case, January 23, 2025, leads to a response date of February 22, 2025. Because the deadline falls on a Saturday, the response deadline is extended to February 24, 2025.

CERTIFICATE OF THE SERVICE

I certify that a copy of the foregoing motion was served electronically, via ECF, this 21st day of February 2025, upon all counsel of record in the case.

s/ Kathryn W. Booth
KATHRYN W. BOOTH
Assistant U.S. Attorney